REMARKS

Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the Office Action dated December 22, 2008 but remains of the opinion that the patentable subject matter is present in this Application. Applicant respectfully requests reconsideration of the Examiner's position based on the above claim amendments and the following remarks.

Claims Status

Claims 21-28 are pending in this application. Claims 1-20 have been previously canceled. Respectfully, no new matter has been added by way of these amendments.

Prior Art Rejection

In the Office Action, the Examiner had rejected Claims 21 – 28 as being unpatentable over a combination of Shima U.S.P. 6,104,498, and Brown U.S.P. 6,046,817, and further in view of Emoto U.S.P. 6,788,430.

The Examiner stated that Shima described (in col.1, lines 14 – 17; col.11, lines 40 – 51; col. 12, lines 46 – 47; and col. 13, lines 1 – 7) all elements of Claim 21 except:

1. a receiver for receiving print data;

2. a receiving buffer for temporarily storing the print data received by the receiver;

3. a receiving controller for temporarily stopping receiving processing of the print data performed by the receiver;

4. wherein the receiving controller temporarily stopping the receiving processing of the print data when the free space in the receiving buffer has run out, and resuming the receiving processing of the print data performed by the receiver by

canceling the temporary stopping processing when the free space in the receiving buffer is above the pre-determined values in a condition that the receiving processing of the print data is temporarily stopped; and

5.   the write controller destroying the print data written into the auxiliary storage device in write processing at this time from the auxiliary storage device.

The Examiner stated that Brown discloses the elements 1 – 4 above, and that it would have been obvious to modify Shima to provide these features 1 – 4.

The Examiner also stated that it would have been obvious to modify the Shima further (after modifying by Brown) to provide feature 5.

Applicant respectfully points out that Shima does not disclose "a write controller for controlling write processing to write the print data stored in the receiving buffer into the auxiliary storage device". The Examiner cited Shima, col. 12, lines 50 – 62 as disclosing this feature, but this passage discusses "a reception buffer formed in a RAM 44 and an auxiliary storage 45 such as a hard disk drive. A storage management task 81 determines which of the RAM 44 and auxiliary storage 45 the data is to be stored in". In Shima, any data that is designated to be stored in the auxiliary storage 45 goes directly into the auxiliary storage without first being stored in a reception buffer. In contrast, the write controller according to Claim 21 writes the print data stored in the receiving buffer into the auxiliary storage device. This means that the print data is first stored in a reception buffer before it is stored in the auxiliary buffer. Shima does not disclose this.

Applicant also urges that the claim feature of Claim 21 stating, "wherein the write controller starting the write processing to write the print data stored in the receiving buffer into the auxiliary storage device when the free space has run out..." is also not disclosed by Shima for the same reason as above. Shima does not disclose first storing in a receiving buffer and then writing from a receiving buffer to an auxiliary buffer from a receiving buffer.

Applicant also urges that Shima does not teach resuming the writing in a receiving buffer when the free space in a receiving buffer has reached a predetermined value. In other words, Shima does not teach shifting from a first buffer to an auxiliary buffer and then back to the first buffer during the process of receiving data. At best, Shima simply teaches shifting from a first buffer to an auxiliary buffer, but not back again.

The Brown reference also does not disclose an arrangement for first storing print data into a receiving buffer, and then writing from the receiving buffer into an auxiliary buffer when certain conditions are met. Brown states (in col. 15, lines 7 – 25) that a RAM has buffers but does not disclose the above-claimed feature.

The Emoto reference also does not appear to disclose this feature.

Independent Claim 27 also recites the same features as discussed above, which are not disclosed in Shima, Brown, or Emoto.

In view of the foregoing, it is respectfully submitted that the claims are patentable over the cited references taken alone or in combination.

Request for One-Month Extension of Time

Applicant hereby petitions for a one month Extension of Time within which to file this Response. The government fee associated with this one-month Extension is being paid concurrently herewith.

Should any further fees or extensions of time be necessary in order to maintain this application in pending condition, appropriate requests are made and authorization is given to debit account No.02-2275.

Conclusion

In the view of forgoing it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested.

Respectfully submitted

LUCAS & MERCANTI, LLP

By: _Donald C. Lucas_

Donald C. Lucas, Reg. No. 31,275
(Attorney for Applicant)
475 Park Avenue South
New York, New York 10016
Tel: (212) 661-8000